

REMARKS

Reconsideration and allowance of the application as amended is respectfully requested.

1. The Examiner has indicated a change required to be made in the Abstract, and this change has been made.

2. 35 U.S.C. §112, the Examiner has rejected claims 1 and 5 and indicated certain changes that need to be made in those claims. Changes have been made to address the Examiner's rejection under 35 U.S.C. §112.

3. Rejection under 35 U.S.C. §102, the Examiner has rejected claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Ernst (U.S. Patent No. 6,637,605). Certain changes have been changed in claim 1, which clarify the difference between the present invention and the invention of Ernst (U.S. Patent No. 6,637,605).

4. The description in Ernst (13, 14) cannot be anticipated as the same as the present invention due to the following. Ernst teaches a plurality of socket holder heads (13) which by design are square and designed to fit industry standard socket tools measuring 1/4", 3/8", and 1/2". Ernst further describes a spring-biased arm (14), which is radiused in such a way as to receive a detent in the receiving socket tool. The square socket holder heads (13) intrinsically could not operate in the same manner as a round dowel. Furthermore, the spring-biased arm (14); being able to recede into a cavity in the socket holder head (13), could not by its very nature of design engage the slot in the mixer attachment (40, the present invention) in the rotational interlocking fashion required by the mixer attachment being used. If the socket holder head (13) were round instead of square, the spring action of the spring-biased arm (14) would release the mixer

attachment as soon as it was rotated into its interlocking position. Furthermore, the spring nature of the spring-biased arm (14) would allow the mixer attachment (40, the present invention) to rotate into any position on a 360-degree axis, thus negating its proper alignment on the present invention. This alignment is required to allow mounting this present invention in close proximity to a wall or vertical flat surface, and to keep the individual attachments from impacting each other and becoming marred. The dowels and pins described in the present invention (20, 23) are solid cast in such a way as to resist the rotational torque of attachment installation, and cause proper attachment alignment. Disclosed on prior U.S. Patent No. 5,769,246 issued to the present inventor.

5. The argument regarding claim 3 states that Ernst discloses 2 base plates (15, 12). Upon closer examination, Ernst's description is that item 15 is a detail of the extension of item 12, and can be clearly seen in illustration #'s 1A, 1B, and 1C. Ernst clearly is describing a single piece. The present invention clearly describes 2 separate and distinct pieces (13 & 30, fig. 4). Therefore the argument concerning the description of Ernst, and the description in the present invention cannot fall under 35 U.S.C. §102. The items described in the present invention in no way could be reasonably confused with the item described in Ernst.

6. Concerning the argument of similar and sufficient vertical stability. When considering the vertical stability of item 15, when placed in an upright position one must consider the following. The width of the base of item 15 is equal to the length of the socket holder head, being that the socket holder head is intrinsically square. The dimension of this square is set by the industry standard receiving the tool size, this being 1/4", 3/8", and 1/2" respectively. To make  
RESPONSE TO OFFICE ACTION - 7

the dimensions of item 15 large enough to support a mixer attachment, would by its square nature, preclude the mixer attachment from fitting on the item. To achieve stable mixer attachment retentions required a combination of different designs as described in the present invention (12, 21, and 14). The present invention describes that item 14 creates both horizontal mounting capability, as well as vertical storage stability. These are attributes that are not mechanically described by Ernst. The item described by Ernst (15) does not claim to have any vertical stability attributes, and as described in Section 55, line 1, is a “clip for engagement with sets of serrated rows.”

6. The argument of similarity under 35 U.S.C. §103(a) cannot be considered due to the following. Ernst describes a u-shaped channel following the entire length of the base unit. It does not embody any of the inherent required mechanical design necessary to act as a surface mounting mechanism. His channel (8) is restricted to receiving a clip (15), which in turn supports a socket head holder (13). Furthermore, the mounting pad of Ernst (10), and the mounting location of Noland (14, 15) are limited by design to mounting in a permanent fashion with screws or other permanent fasteners. The present invention (30, fig. 5) describes a u-shaped channel in the mounting bracket. This bracket is u-shaped both vertically and horizontally. The u-shape on the horizontal plane creates a receiving pocket for the stabilizer (14), when mounted against a flat surface. The u-shape in the vertical plane allows spacing for the radius of the joint between stabilizer (14), and base unit (12) of the present invention. This design allows for permanent mount of bracket (30), while facilitating temporary, reusable storage of the base unit (12). Predicated on these stark mechanical differences, I submit that this mounting system is not

RESPONSE TO OFFICE ACTION - 8

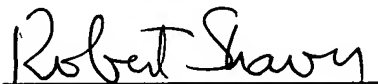
obvious, nor was it at the time of the cited prior inventions. Clearly the design of the present invention does not infringe on any prior invention, and is in fact supported by the earlier noted patent issued to the present inventor.

CONCLUSION

For all the reasons given above, applicants respectfully submit that the errors in the specification are corrected. Accordingly, applicants submit that this application is now in full condition for allowance, which action applicants respectfully solicit. If the Examiner feels it would advance the application to allowance or final rejection, she is invited to telephone the undersigned at the number given below.

DATED this 2<sup>nd</sup> day of March 2006.

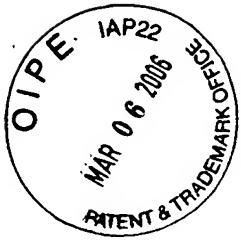
Very respectfully,



ROBERT L. SHAVER

Reg. No. 42,145

(208) 345-1122




Examiner Dooley  
Serial # 10/776,550

---

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

DATE: March 2, 2006

  
\_\_\_\_\_  
Amanda Mullins